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OFFICE OF THE ATTORNEY GENERAL
LEMON LAW ARBITRATION PROGRAM

110 Southwest 6th Street, 10th Floor
Fort Lauderdale, FL 33301

Case Number: 2009-0034/WPB

In Re: Board Meeting

SHERIF RAFIK KODSY,

Plaintiff.

vs

HUMMER,

Defendant.

Thursday, March 5th, 2009

Commencing at: 1:30 p.m.

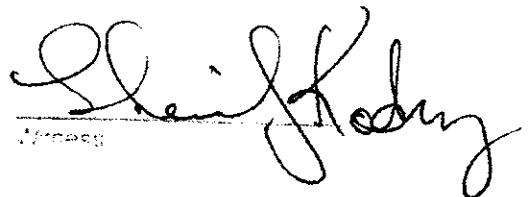
Concluding at: 4:00 p.m.

BOARD MEETING

Taken at City of Delray Beach, 100 Northwest 1st
Street, Delray Beach, FL. 33444.

PAGE	LINE	CHANGE FROM:	CHANGE TO:
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A P P E A R A N C E S

BOARD MEMBERS:

PAUL TUCK, Chairman

HAGERENESH SIMMONS, Board Attorney

LEONARD WOLFER

BERNARD FERNANDEZ

GENERAL MOTORS REPRESENTATIVES:

TOM THORNTON
5784 Northwest 127th Terrace
Coral Springs, FL. 33076

JOE BARDILL
470 Southeast 8th Avenue
Pompano Beach, FL. 33060

MARIO LOPEZ

Also Present:

SHERIF RAFIK KODSY, Plaintiff
15968 Laurel Oak Circle
Delray Beach, FL. 33484

HILLARY HOBBS, Progressive Insurance Agent
4063 Lake Tahoe Circle
West Palm Beach, FL. 33409

* * * * *

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(Thereupon, the following proceedings
were had.)

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MR. TUCK: This is case number
2009-034/WPB. The matter of Kodsy against
Hummer.

8

9

Is that the way you pronounce your
name, Kodsy?

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MR. KODSY: Kodsy.

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MR. TUCK: It's being held on Thursday,
March 5th, 2009 in Delray Beach. My name is
Paul Tuck. I will be the chair. With me
are Bernard Fernandez, Leonard Wolfer
(phonetic) for the Board. Hager Simmons
would be the Board attorney.

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As you can see the hearing is being
tape-recorded, actually it's digitally
recorded now. We don't use tape recorders
anymore. That recording will be the
official transcript of the hearing if one is
needed.

23

24

25

What we're going to start out doing is
having everybody, starting with the people
from the consumer side, introduce yourselves

1 giving your name and your address. Each
2 time you speak starting from here on out,
3 we're going to ask you to identify yourself
4 because whoever is transcribing the hearing
5 can't tell all the time who is speaking.

6 So, would you give us your name and
7 your address?

8 MS. HOBBS: Hillary Hobbs. My address
9 is 4063 Lake Tahoe Circle, West Palm Beach.
10 33409.

11 MS. SIMMONS: Would you spell your last
12 name?

13 MS. HOBBS: H-O-B-B-S.

14 MS. SIMMONS: And your first name is?

15 MS. HOBBS: Hillary with two L's.

16 H-I-L-L-A-R-Y.

17 MR. TUCK: Next?

18 MR. KODSY: Sherif Kodsy. Do you want
19 my address?

20 MR. TUCK: Yes, please.

21 MR. KODSY: 15968 Laurel Oak Circle,
22 Delray Beach, Florida. 33484.

23 MR. TUCK: Next?

24 MR. THORNTON: Tom Thornton.

25 T-H-O-R-N-T-O-N. Address 5784 Northwest

1 127th Terrace, Coral Springs, Florida.
2 33076.

3 MS. SIMMONS: Your title, Mr. Thornton?

4 MR. THORNTON: District Service Manager
5 for General Motors.

6 MR. BARDILL: Joe Bardill.

7 B-A-R-D-I-L-L. 470 Southeast 8th Avenue,
8 Pompano Beach, Florida.

9 MS. SIMMONS: Your title, Mr. Bardill?

10 MR. BARDILL: Service manager.

11 MS. SIMMONS: At where?

12 MR. BARDILL: Coral Cadillac.

13 MR. TUCK: Okay.

14 MR. LOPEZ: Mario Lopez, parts manager
15 for General Motors Corporation.

16 MR. TUCK: The way these hearings are
17 conducted is informally. By that, I mean we
18 still have standard rules of courtesy and
19 not subject to the same rules of evidence
20 like you see in a courtroom. What we're
21 going to be doing is first I will be
22 swearing in everybody who intends to
23 testify, you will be testifying under oath.
24 Then we're going to do what we call marked
25 documents. It simply means that we're going

1 to compare the documents that all the
2 parties have to make sure everybody is
3 working from the same set of documents.

4 After that, we're going to ask the
5 manufacturer which of any of the allegations
6 in the request for arbitration they can
7 stipulate or agree to. What they will agree
8 to or stipulate to doesn't have to be
9 further proven by testimony or further
10 documentary evidence. I'm going to have
11 testimony from the consumer and the
12 consumer's witnesses followed by questions
13 from the manufacturer's side.

14 Then the manufacturer will present any
15 witnesses it chooses to present followed by
16 questions from the consumer. You can't
17 interrupt each other. So if you need a
18 pencil and paper feel free to take down any
19 notes while the other party is testifying,
20 so you can remind yourself what questions
21 you may have wanted to ask.

22 After that, we will decide whether or
23 not we need to test drive or inspect the
24 vehicle. Is the vehicle here today?

25 MR. LOPEZ: Yes.

1 MR. TUCK: If we do test drive the
2 vehicle, we'll have more instructions for
3 you at that time.

4 Then we're going to have closing
5 statements followed by our deliberations.
6 You're free to stay in the room while we
7 deliberate, but not to participate unless we
8 have a particular question for somebody.
9 Depending on the results of our
10 deliberations, we either will or will not
11 get into a remedy phase.

12 Any questions? All right. Would
13 everybody who is going to testify, please
14 raise their right hands?

15 . (Thereupon, the witnesses were duly
16 sworn to testify under oath.)

17 MR. TUCK: You can put your hands down.
18 Thank you.

19 As a preliminary matter, would the
20 consumer turn to the request for
21 arbitration. That's the form that looks
22 like this that you signed. If you go to the
23 last page, page six, there should be a
24 signature there.

25 Is that your signature?

1 MR. KODSY: Yes.

2 MR. TUCK: And you placed it there?

3 MR. KODSY: Yes.

4 MR. TUCK: Thank you. Turning now to
5 the various documents that have been
6 presented by the parties.

7 MS. SIMMONS: Mr. Tuck, before we go
8 through the documents and enter them as an
9 exhibit, I would let the Board know there
10 were late submissions of documents from,
11 what I see, mainly from the consumer side.
12 From the manufacturer side, there is a late
13 submission of prehearing information sheet
14 and a BBB letter. These things the Board
15 needs to decide of admitting before we start
16 labeling as exhibits.

17 MR. TUCK: Okay.

18 MS. SIMMONS: I should let the Board
19 know of the procedural history of getting up
20 to that. The manufacturer's prehearing
21 information sheet could not have been
22 submitted any other time earlier than when
23 it was done because an inspection did not
24 occur until this week, the 2nd. That was
25 the reason for the delay and there has been

1 a motion that's been filed in here by the
2 manufacturer asking the Board's assistance
3 in scheduling this and part of the rationale
4 in allowing this inspection to have was that
5 even if it was untimely, that inspection
6 report will be considered admitted to
7 facilitate the hearing happened in the
8 40-day requirements.

9 MR. TUCK: I understand.

10 MS. SIMMONS: Just to let you know
11 what's been submitted, a late submission
12 from the consumer side is a consumer
13 prehearing information sheet, amended
14 prehearing information sheet. From the
15 exhibit side of the consumer, there is a
16 certificate of service, medical report, and
17 GM checklist.

18 From the manufacturer's side, as far as
19 pleadings, there is a late submission of
20 manufacturer prehearing information sheet
21 which I talked about. From the exhibit
22 side, there is a BBB letter.

23 MR. TUCK: Let's briefly hear from the
24 parties first. Both sides have submitted
25 untimely documents. It doesn't mean they're

1 wrong. It just means that the other side is
2 supposed to have at least five or seven days
3 beforehand to review these things. Since
4 you both did it, would you both agree to
5 allow the evidence to be considered by the
6 Board?

7 MR. LOPEZ: I don't have a problem as
8 long as the Board decides. I'm trying to be
9 open as I have always been with the Boards.
10 Whatever you decide will be okay, but as Ms.
11 Simmons states we had some issues with the
12 inspection. We couldn't agree on a date and
13 then the consumer refused to go to their
14 inspection. That's why we requested it.

15 MR. TUCK: Have you seen the documents
16 that the consumer submitted?

17 MR. LOPEZ: I'm not sure because --

18 MR. TUCK: Can we show them to them and
19 see if there is anything that might be
20 unduly prejudicial.

21 MS. SIMMONS: Sure. Let me see, which
22 is the consumer's amended prehearing
23 information sheet.

24 Mr. Kodosy, I'm going to be showing to
25 the manufacturer what you faxed over to us.

1 The consumer prehearing information sheet
2 was faxed on the 2nd. That's one from the
3 pleading side. Here, it has the witness
4 list on the bottom.

5 MR. TUCK: Has the consumer been served
6 with the documents that the manufacturer is
7 looking to submit?

8 MS. SIMMONS: They were instructed to
9 both fax to each other whenever they filed
10 documents to the Board, so I'm assuming --

11 MR. TUCK: Did you receive those
12 documents?

13 MR. KODSY: I'm not sure what documents
14 we're talking about.

15 MS. SIMMONS: From the manufacturer's
16 side, what they submitted was the prehearing
17 inspection report. Did you get a copy of
18 that?

19 MR. KODSY: From Schumacher? On a
20 Schumacher, letterhead, yes.

21 MS. SIMMONS: I don't know if it's a
22 letterhead. It's dated March 2nd. This
23 document.

24 MR. TUCK: Have you seen that?

25 MR.. KODSY: Yes.

1 MS. SIMMONS: Then the BBB report was
2 another document that was submitted by the
3 manufacturer. I will show that to Mr. Kodsy
4 to see if he has seen it, I assume it was
5 faxed over. Actually, there is no BBB. I
6 misspoke.

7 MR. LOPEZ: The only one that was late
8 submission was the prehearing inspection --

9 MS.. SIMMONS: Prehearing inspection
10 report.

11 MR. TUCK: Do you have any objection to
12 us taking the documentation that he just
13 submitted into consideration?

14 MR. KODSY: Not at all.

15 MR. TUCK: Do you have any objection to
16 taking those documents into consideration?

17 MR. LOPEZ: Can I have a copy of that?

18 MS. SIMMONS: I thought you said it was
19 already faxed to you, the March 2nd
20 prehearing information sheet?

21 MR. LOPEZ: The last one? This is the
22 last one that I got, so I'm not sure if
23 that's the one that --

24 MS. SIMMONS: I will show it to you.
25 This is one, the amended prehearing

1 information sheet and then consumer's
2 objection -- it's a written objection, it's
3 a two-page document, and consumer's
4 statement.

5 MR. LOPEZ: This one I got.

6 MS. SIMMONS: You've already gotten the
7 amended prehearing report.

8 MR. KODSY: We faxed some more
9 documents yesterday, consumer statement.

10 MS. SIMMONS: Yes, that's what I'm
11 showing him, the consumer statement and the
12 consumer written objection.

13 MR. TUCK: There is no objection?

14 MR. LOPEZ: I don't have any objection
15 to that.

16 MR. TUCK: With the consent of both
17 parties, does the Board have any objection
18 to seeing the documents that have been
19 submitted untimely?

20 Mr. Wolfer?

21 MR. WOLFER: No.

22 MR. TUCK: No objection, Mr. Fernandez?

23 MR. FERNANDEZ: No objection to both
24 sides' documents.

25 MR. TUCK: Then we're unanimous, we

1 will accept them.

2 MS. SIMMONS: In that case, we have
3 copies of those to the Board. Here's the
4 final amended list of exhibits.

5 MR. TUCK: Okay. So now we're going to
6 try to mark documents.

7 MS. SIMMONS: Yes.

8 MR. TUCK: The entry of further
9 documents is officially closed.

10 From the consumer, we have his
11 pleadings, the consumer's request for
12 arbitration, consumer's prehearing
13 information sheet, consumer's amended
14 prehearing information sheet, consumer's
15 objections, and the consumer's statement.

16 As exhibits from the consumer, we have
17 repair orders which will be marked as C1;
18 defect notification, C2; consumer's letter
19 to dealership and return receipt, C3; Better
20 Business Bureau letter, C4; retail
21 installment contract, C5; motor vehicle
22 title reassignment supplement registration,
23 certificate of origin, C6; business card,
24 C7; invoice, C8; insurance information, C9;
25 online vehicle search information, C10; car

1 rental receipts, 11; consumer's appeal to
2 the response of intent to offer settlement,
3 12; e-mail correspondence, C13; consumer's
4 appeal, C14; odometer disclosure statement,
5 C15; used car buyer's order, C16; Better
6 Business Bureau letter, C --

7 MS. SIMMONS: There's two different
8 letters from the Better Business Bureau.

9 MR. TUCK: 17, this will be the second
10 BBB letter. Repair invoice, 18; technical
11 service bulletins listing, 19; insurance
12 claim, 20; a second business card, 21;
13 certificate of service, 22; a medical
14 report, 23; GM checklist, 24; additional
15 e-mail correspondence, 25; postage, 26; a
16 third business card, 27; an e-mail, 28.

17 From the manufacturer, we have his
18 pleadings and manufacturer's answer
19 postmarked 2-4-09, manufacturer's prehearing
20 information sheet, and manufacturer's
21 amended prehearing information sheet.

22 As exhibits from the manufacturer, we
23 have prehearing inspection letter which will
24 be marked M1. General Motors' request for
25 assistant from the Attorney General's

1 Office, M2; prehearing inspection
2 confirmation e-mails; M2; Better Business
3 Bureau letter, M4; prehearing inspection
4 report, M5.

5 Now we're going to turn to the
6 consumer's request for arbitration. We're
7 going to ask the manufacturer's
8 representative, can you agree to items one,
9 two, and three?

10 MR. LOPEZ: Yes, sir.

11 MR. TUCK: Item four?

12 MR. LOPEZ: Yes, sir.

13 MR. TUCK: Number five, the consumer is
14 looking for a replacement vehicle?

15 MR. KODSY: At this point --

16 MR. TUCK: Or a refund?

17 MR. KODSY: Whatever the Board decides
18 is the best way to go, probably a refund.

19 MR. TUCK: That will be your choice,
20 but we'll get to that when we get to the end
21 of our deliberations and see what decision
22 we render. For now, we'll just leave it
23 open.

24 MS. SIMMONS: Okay.

25 MR. TUCK: Can the manufacturer agree

1 to number six?

2 MR. LOPEZ: Yes, sir.

3 MR. TUCK: Seven, is it less than
4 10,000 pounds?

5 MR. LOPEZ: 8600 pounds.

6 MR. TUCK: Eight?

7 MR. LOPEZ: It's GM manufactured.

8 MR. TUCK: Nine?

9 MR. LOPEZ: It's a Hummer H2 2008.

10 MR. TUCK: Number ten, if that's the
11 correct vehicle identification number, would
12 you please read it into the record?

13 MR. LOPEZ: Yes, sir.

14 5GRGN23878H107653.

15 MR. TUCK: Thank you. 12, two parts.

16 MR. LOPEZ: Number 12, the mileage is
17 correct. It's 238 miles. The delivery date
18 when it was sold to him was 8-19, that's
19 correct, but the warranty started on June
20 11th, 2008 because this was a special event
21 vehicle when it was sold to him.

22 MR. TUCK: It was a what?

23 MR. LOPEZ: Special event, a vehicle
24 that is used for a show and then the dealer
25 buys. It's a new vehicle. It's not a used

1 vehicle.

2 MR. TUCK: It's a new vehicle?

3 MR. LOPEZ: It's a new vehicle, yes,
4 it's a new vehicle.

5 MS. SIMMONS: Is it a demo?

6 MR. LOPEZ: Similar to a demo. It's in
7 the same category, it's just that they call
8 it a special event. It's been in a show or
9 whatever. It hasn't been titled in any
10 state.

11 MR. TUCK: Okay. Thank you.

12 MR. LOPEZ: You're welcome, sir.

13 MR. TUCK: Are we going to call it new
14 or a demonstrator?

15 MS. SIMMONS: I'm not sure.

16 MR. TUCK: I thought the testimony said
17 that it was sold as a new vehicle. It was
18 not used to show to other potential buyers.

19 MR. LOPEZ: Right.

20 MR. TUCK: It was used in a single
21 event.

22 MR. LOPEZ: It was in a single event,
23 exactly.

24 MS. SIMMONS: So it's not like a demo

25 --

1 MR. LOPEZ: GM, like they get a new car
2 and they put it in a show for a single event
3 and then the dealer says I want that car so
4 they buy it from you and they sell it.

5 MS. SIMMONS: So it would be a new
6 vehicle?

7 MR. LOPEZ: It's a new vehicle.

8 MR. FERNANDEZ: This is Bernard
9 Fernandez.

10 Good afternoon, Mr. Lopez. You are
11 here and unequivocally you're saying that
12 the vehicle is new?

13 MR. LOPEZ: Exactly.

14 MR. FERNANDEZ: Okay. Fine with me.

15 MR. TUCK: 15, consumer still possesses
16 the vehicle that's here today?

17 MR. KODSY: Yes.

18 MR. TUCK: 16 becomes irrelevant.

19 MS. SIMMONS: What is 16?

20 MR. TUCK: 16, if purchased used.

21 MS. SIMMONS: Okay.

22 MR. TUCK: Under 17, can the
23 manufacturer stipulate or agree that on the
24 dates listed there the vehicle was brought
25 to the dealership for the problems listed in

1 lines one through six?

2 MR. LOPEZ: We can stipulate to some --
3 most of the dates there --

4 MR. TUCK: Then you take exceptions.

5 MR. LOPEZ: We'll have to take an
6 exception to a few of them.

7 MR. TUCK: Why don't you tell us which
8 ones you take exceptions?

9 MR. LOPEZ: Okay. We'll start with
10 number one?

11 MR. TUCK: Yes.

12 MR. LOPEZ: That one, the first one,
13 10-20-08.

14 MR. TUCK: Yes?

15 MR. LOPEZ: That didn't go in for that.

16 MR. TUCK: It was not in for that?

17 MR. LOPEZ: It was not in for that.

18 MR. TUCK: So we'll have to take
19 testimony.

20 MR. LOPEZ: Yes. The other one, the
21 next day, I think it is 11-5, it's not
22 11-12.

23 MR. WOLFER: I'm sorry, it was on 11-5?

24 MR. LOPEZ: I think it's 11-5.

25 MR. TUCK: Yes. We'll look at the

1 repair order.

2 MR.. LOPEZ: I'm trying to sort the
3 complaints by the repair orders.

4 MR. TUCK: What he is referring to is
5 on the repair orders is an open date and a
6 ready date. The dates that we referred to
7 -- there is no reason why you should know
8 this if you haven't done it before. We
9 always refer to the repair order opening
10 date, so I presume you have no objection to
11 --

12 MR. KODSY: Correct.

13 MR. LOPEZ: The other one is --

14 MS. SIMMONS: When you say other one,
15 is it number three?

16 MR. LOPEZ: Number three, 12-1-08 is
17 correct.

18 MS. SIMMONS: You don't stipulate to
19 10-20 and 11-5?

20 MR. LOPEZ: We would have to take a
21 look at the repair orders to see.

22 MS. SIMMONS: Number three?

23 MR. TUCK: Line three. Wait a second.

24 What line are you on now? As far as I
25 understand starting with line one, you had a

1 question about the first date under date
2 one.

3 MR. LOPEZ: Under date two. That same
4 line, item number one, that's where I am.
5 I'm looking at date one, date two, and date
6 three.

7 MR. TUCK: All right. So you're taking
8 exception to all three dates?

9 MR. LOPEZ: Not the last one, we agree
10 that's --

11 MR. TUCK: So you're taking exception
12 to 10-20-08 and 11-12-08?

13 MR. LOPEZ: Yes.

14 MR. TUCK: Okay.

15 MR. WOLFER: Are you taking exception
16 to 11-12 because it should be 11-5?

17 MR. LOPEZ: I think it is, yes.

18 MR. WOLFER: Okay.

19 MR. FERNANDEZ: Bernard Fernandez. I
20 believe the manufacturer had no objection to
21 changing the November 12th date to November
22 5th?

23 MR. TUCK: That's correct.

24 MR. FERNANDEZ: Is that correct?

25 MR. TUCK: Yes.

1 MR. FERNANDEZ: Okay.

2 MR. TUCK: So now let's go down to line
3 three. Is that the same situation with
4 11-12.

5 MS. SIMMONS: Line two.

6 MR. TUCK: I thought we just did line
7 two.

8 MR. LOPEZ: It was line one.

9 MS. SIMMONS: Complaints, the rough
10 vibration during driving, what dates do you
11 --

12 MR. LOPEZ: That's number two.

13 MS. SIMMONS: Yes. What dates do you
14 stipulate to?

15 MR. LOPEZ: I couldn't find any rough
16 vibration claim --

17 MS. SIMMONS: So you don't stipulate to
18 any one of those dates?

19 MR. LOPEZ: No.

20 MS. SIMMONS: The third one which
21 states the hopping of vehicle at low speeds.
22 Is there any date that you stipulate to?

23 MR. LOPEZ: 12-1-08, date number three.

24 MR. TUCK: Line four?

25 MR. LOPEZ: Vehicle bounces. I cannot

1 stipulate to the first two. The third one,
2 we would have to look at it because I'm not
3 sure because he complains about hopping.

4 MR. TUCK: So you're not going to
5 stipulate to any of these, we'll take
6 testimony.

7 MR. LOPEZ: Yes, we would have to look
8 at them.

9 MR. TUCK: Line five?

10 MR. LOPEZ: Line five would be the
11 12-22. That one we can stipulate to.

12 MR. TUCK: That's the only one?

13 MR. LOPEZ: Yes.

14 MR. TUCK: Finally, line six?

15 MR. LOPEZ: Brakes squealing, I can
16 stipulate to 12-22, and I believe the
17 consumer agrees on 11-5 instead of 11-12.

18 MR. TUCK: Okay.

19 MR. LOPEZ: We can stipulate to that.

20 MR. WOLFER: But not the 10-20?

21 MR. LOPEZ: Not the 10-20, no.

22 MR. TUCK: Moving to line 18.

23 MR. LOPEZ: Yes, sir.

24 MR. TUCK: On that date, 12-18?

25 MR. LOPEZ: Yes.

1 MR. TUCK: Line 19?

2 MR. LOPEZ: Final repair of 12-22, yes.

3 MR. TUCK: Under line 20, the days out,
4 27 days?

5 MR. LOPEZ: I think I just have one day
6 difference, I think I count 26.

7 MR. TUCK: 26. We'll have to check
8 that later.

9 MR. LOPEZ: He marked yes on 21, but
10 this is not a conversion.

11 MR. TUCK: This is not asking that.
12 What it appears to be saying is did the
13 manufacturer or the conversion company or
14 authorized service agent had the opportunity
15 to inspect or repair the vehicle. So it's
16 the same yes as before.

17 MS. SIMMONS: Do you stipulate that you
18 had an opportunity to inspect it?

19 MR. LOPEZ: Yes.

20 MR. TUCK: Under 22, is there any
21 allegation that the conditions complained
22 about are the result of accident, use,
23 neglect or modification or alteration?

24 MR. LOPEZ: Not that I know.

25 MR. TUCK: Under 23, there is a Better

1 Business certified program connected with
2 this vehicle?

3 MR. LOPEZ: Yes, there was.

4 MR. TUCK: It's my understanding from
5 the file that the Better Business Bureau
6 declined it because they said there was some
7 report of accident or fire from the
8 consumer?

9 MS. SIMMONS: There's a second BBB
10 letter, I know you didn't have an
11 opportunity to see it in the file because
12 this is late submission. Page 80 and 81.
13 On the consumer side, page 80.

14 MR. FERNANDEZ: Madam Counsel, we just
15 wanted to address your attention to our page
16 22 on the supplemental reports that were
17 received timely.

18 MS. SIMMONS: Yes.

19 MR. FERNANDEZ: The very last page that
20 I seem to be reading here is a letter from
21 the BBB received February 27th.

22 MS. SIMMONS: Page 22?

23 MR. FERNANDEZ: On our amended -- the
24 final packet that we first received on the
25 very last page.

1 MR. TUCK: This letter is dated January
2 9th, 2009.

3 MS. SIMMONS: Yes.

4 MR. TUCK: It's from the Better
5 Business Bureau?

6 MS. SIMMONS: Yes.

7 MR. TUCK: At the end of the first
8 paragraph, it says, "We have determined that
9 your claim is ineligible for arbitration
10 because you have alleged that the defect was
11 caused by an accident --

12 MR. FERNANDEZ: Has caused an accident.

13 MR. TUCK: -- has caused an accident or
14 fire that resulted in property damage or
15 bodily injury."

16 MS. SIMMONS: Yes. It's also on page
17 36.

18 MR. TUCK: We already had that.

19 MS. SIMMONS: We have that. Thank you.
20 I think that needs to be clarified through
21 testimony what happened as to the BBB.

22 MR. FERNANDEZ: I agree.

23 MR. TUCK: Yes.

24 MS. SIMMONS: On the consumer side, I
25 just want to make sure you have it. On the

1 packet that we gave you, page 36 has the
2 letter that Mr. Fernandez just pointed out
3 from the BBB. Page 80, you should have a
4 second letter from the BBB.

5 MR. TUCK: This is the same letter that
6 we just read from, you have two copies of
7 it?

8 MS. SIMMONS: No, it should be a
9 different one.

10 MR. TUCK: In my file it says January
11 9th.

12 MR. WOLFER: That's 36. We've got to
13 go to 80.

14 MR. TUCK: This is the same letter that
15 we just received another copy of. I just
16 want to clarify that we were just given
17 something as an addition which appears to be
18 the same letter.

19 MS. SIMMONS: Yes.

20 MR. TUCK: In place it's circle number
21 22 and another page it's circle number 36.

22 MS. SIMMONS: They both filed it, both
23 parties. I just want to make sure, Mr.
24 Tuck, you do have this letter. Do you have
25 that?

1 MR. TUCK: Now we're going to circle
2 number eight. Yes, I have it..

3 MS. SIMMONS: I just want to make sure
4 you have that.

5 MR. TUCK: Now we're going to start the
6 consumer's testimony. Who's going to speak
7 for the consumer?

8 MR. KODSY: I will.

9 MR. TUCK: What we're going to ask you
10 to do is starting from when complaints first
11 arose. I know we have a lot of different
12 issues here.

13 MS. SIMMONS: I should let the Board
14 know that the witness who is sitting here,
15 Ms. Hobbs, she is here under subpoena. I
16 don't know if you want to take her out of
17 order or just go ahead.

18 MR. TUCK: Are you under a time
19 constraint?

20 MS. HOBBS: Well, I left work to come
21 here so.

22 MR. TUCK: Do you need to get back?

23 MS. HOBBS: As soon as I can, yes.

24 MR. TUCK: All right.

25 With everybody's consent then, why